



# PUBLIC NOTICE

**US Army Corps  
of Engineers®**

APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** 200201170-BAH

**Comment Period:** July 22, 2002 through August 20, 2002

**Project Manager:** Bruce A. Henderson (805) 585-2145 [bruce.a.henderson@usace.army.mil](mailto:bruce.a.henderson@usace.army.mil)

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**Applicant**

Madonna Construction Company  
P.O. Box 3910  
San Luis Obispo, California 93403

**Contact**

Mr. Clint Pearce  
(805) 543-0300

**Location**

In a tributary to Froom Creek adjacent to Los Osos Valley Road in the City and County of San Luis Obispo, California (at latitude 35-15-1.8360, longitude 120-41-5.6040).

**Activity**

To widen a 2,800-foot-long segment of Los Osos Valley Road between Garcia Drive and Calle Joaquin from the existing two lanes to six lanes (see attached drawings). The proposed activity would permanently fill 0.73 acres of degraded seasonal wetland by the import of approximately 5,500 cubic yards of fill material and would temporarily impact an additional 0.64 acres. For more information see page 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch - Ventura Field Office  
ATTN: CESPL-CO-R-200201170-BAH  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

Alternatively, comments can be sent electronically to: [bruce.a.henderson@usace.army.mil](mailto:bruce.a.henderson@usace.army.mil)

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

**Coastal Zone Management-** For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

**Cultural Resources-** The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** Preliminary determinations indicate that the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

**Proposed Activity for Which a Permit is Required-** As identified in the City of San Luis Obispo General Plan, Los Osos Valley Road (LOVR) is proposed to be widened from Calle Joaquin, near the existing onramps and offramps at Highway 101, 2800 feet westward to Garcia Drive, from the existing two lanes to six lanes. The applicant proposes to accomplish this task by the discharge of 5,500 cubic yards of imported fill material into a tributary to Froom Creek comprised primarily of a wetland drainage swale adjacent to LOVR.

**Project Purpose-** For purposes of the Corps' review, the basic and overall project purposes must be identified. The Corps has determined the basic purpose of the project is transportation. The Corps has also determined the overall purpose of the project is to alleviate traffic congestion and safety concerns related to the identified existing deficiencies, and projected further deterioration of the traffic level of service on LOVR due to anticipated commercial and residential buildout accessible to LOVR.

**Need for the Project-** LOVR is the primary road leading directly from the towns of Los Osos and Baywood Park to the City of San Luis Obispo and Highway 101, and is the primary road access for the inhabitants of and commercial and recreational visitors to these communities. With the recent approval of a new sewer system for Los Osos, a long-standing building moratorium (based on a RWQCB order related to the need to replace septic tank systems of homes and businesses in Los Osos with a public sewer system) is expected to be lifted in the near future, and it is anticipated that the demand for development created by the building moratorium will lead to substantial new growth in that community.

Further, two major projects are adjacent to the stretch of road to be widened. The DeVaul Ranch project consists of 400 homes and is dependent on LOVR for ingress and egress; the portion of LOVR fronting the DeVaul Ranch project is currently being widened. The other project is built adjacent to that site and consists of a retail commercial center for Home Depot and other future site occupants, which are expected to generate approximately 6,000 trips per day.

### **Additional Project Information**

Both the City and County of San Luis Obispo have anticipated the road widening based on several years of traffic studies. Roadway widening is determined to be necessary to relieve traffic congestion associated with existing and planned residential and commercial development occurring to the north along or accessible by LOVR. These governmental entities are requiring that the road improvements be implemented by the applicant as identified, to contain congestion and safety concerns related to the deterioration of the traffic level of service currently experienced on this portion of LOVR.

Based on information gathered at the site and reflected in the jurisdictional map illustrated in Figure 5, it was determined that 3.40 acres of jurisdictional wetlands are located within the LOVR project boundary. Of the 3.40 acres of wetlands identified, 1.37 would be impacted by this project. This acreage includes approximately 1.13 acres of seasonal wetlands and 0.24 acres of constructed drainage ditch wetlands. Project impacts include 0.73 acres of permanent impacts and 0.64 acres of temporary impacts associated with the placement of 5,500 cubic yards of fill material into jurisdictional wetlands associated with the widening of the existing roadway (Figure 6).

A small, constructed drainage ditch, originating along the northwestern side of LOVR, conveys surface flows southward approximately 0.25 miles to San Luis Obispo Creek. The LOVR project will impact a segment of this drainage ditch and adjacent seasonal wetlands. Following construction, drainage flows would be allowed to continue adjacent to the newly designed road base to San Luis Obispo Creek.

Construction of the proposed project would encroach onto the Froom Ranch property and would require grading and placement of fill material along the western side of the existing roadway. Construction activities would include road grading and paving, replacement of an existing sewer line, placement of fill material necessary to raise site elevations consistent with those of the existing roadway, and infrastructure movement. Overhead utility lines and poles would require relocation to the west of the current road alignment area and placement along the toe of the new road embankment. This would require placement of several utility poles in areas currently identified as jurisdictional wetlands.

Functions found within the existing wetland habitats are primarily related to periods of precipitation. Functions include water retention, flood flow alteration, sediment stabilization, sediment/toxic retention, nutrient removal/transformation, and nutrient production and export. Seasonal wetlands function to remove suspended particulates and dissolved and suspended contaminants transported by runoff from the surrounding uplands, including hardscaping associated with residential and commercial developments. The quantity of water filtered annually by these seasonal wetlands would be relatively small, however, because the wetland impact area is small and the seasonal wetlands are shallow. These functions are typically performed only during the winter and early spring rainy season.

The site also provides limited foraging area for local wildlife. The wetlands to be impacted are of relatively low value to wildlife due to their small size, seasonal nature, and location adjacent to a major thoroughfare, residential and commercial uses and continual disturbance from grazing cattle. These wetlands would likely provide habitat for species common to ruderal, disturbed habitats.

Mitigation has been proposed by the applicant to offset impacts to 1.37 acres of jurisdictional drainage ditch and seasonal wetland habitat. Proposed mitigation would involve the offsite creation of 1.51 acres of new seasonal wetland habitat on areas currently comprised of uplands adjacent to an existing drainage channel and seasonal wetland habitat on the Boysen Ranch property (Figure 8). Onsite mitigation would consist of the relocation of 0.55 acres of drainage ditch at the base of the newly constructed road and a 425-foot-long bypass swale located several feet off the road in the adjacent field. A portion of the ditch along LOVR would be vegetated with riparian species (Figure 9). Total mitigation proposed to offset jurisdictional impacts amounts to 2.06 acres.

#### **Proposed Special Conditions-**

Other than the proffered mitigation described above, none have been identified at this time. It is anticipated that appropriate conditions will be placed on the project to minimize further impacts to aquatic resources.

For additional information please call Bruce A. Henderson of my staff at (805) 585-2145. This public notice is issued by the Chief, Regulatory Branch.